

DAVID J. NEWBLATT

P-45306

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		SUMMONS	CASE NO. 21- -NO 21-116034-NO
Court address 900 S. Saginaw, Flint, MI 48502		Court telephone no. 810 424 4355	
Plaintiff's name(s), address(es), and telephone no(s). Estella Mays 5808 Sally Court Flint, MI 48505 734 985 0349		Defendant's name(s), address(es), and telephone no(s). Walmart Inc. 4313 Corunna Rd. Flint, MI 48532	
Plaintiff's attorney, bar no., address, and telephone no. In Pro Per			

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in ☐ this court, ☐ _____ Court, where it was given case number _____ and assigned to Judge _____.
- The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 08-10-21	Expiration date 11-09-21	Court clerk Diane M. Sanborn
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (9/19) **SUMMONS**

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR

EXHIBIT

tabbles

1

STATE OF MICHIGAN
IN THE 7th JUDICIAL CIRCUIT FOR THE COUNTY OF GENESEE

Estella Mays

Plaintiff,

vs

Wal-Mart Stores, Inc.

Defendants.

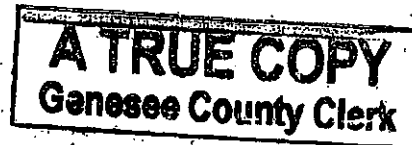
21-116034-NO

No. 21- -NO

Hon.

DAVID J. NEWBLATT
P-45306

Estella Mays
In Pro Per
734 985 0349



There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

COMPLAINT

Now comes the Plaintiff, In Pro Per, and for her cause of action against the Defendants, states unto this Honorable Court as follows:

JURISDICTION AND VENUE

1. Plaintiff was a resident of Genesee County at the time of incident which lead to her injuries on August 11, 2018.
2. Walmart Inc., which at the time of this incident, and all relevant times, operated a business in Genesee County located at 4313 Corunna Road, Flint, Michigan 48532.
3. Defendant Walmart Inc., on the date and time of the incident and at all relevant times prior and after thereto maintained possession and control over the

property and the business where plaintiff's injuries occurred, located in Genesee County at 4313 Corunna Road, Flint, Michigan 48532.

4. The injuries giving rise to this action happened at 4313 Corunna Road, Flint, Michigan 48532, (the premises) Defendant's place of business, on August 11th, 2018,
5. That the business located at 7445 Clio Road is generally known in the community as the Eagles.
6. Upon information and belief, at the time of the incident giving rise to this action, and all relevant times prior and after thereto, the named Defendant, and/or their agents, and/or their employees had control over the premises at 4313 Corunna Road, Flint, Michigan 48532.
7. On the date of the incident, August 11th, 2018, the Plaintiff was a business invitee of the Defendants and was injured due to the negligence of the Defendant, and/or their agents, and/or employees, and/or servants.
8. Plaintiff was visiting the Defendant's business to take advantage of the Defendant's goods and services.
9. The amount in controversy exceeds the sum of twenty-five thousand (\$25,000) and this matter is otherwise within the jurisdiction of this Honorable Court.
10. The Plaintiff suffered injuries when she fell while walking inside the Defendant's premises as she was leaving the business, near Defendants exit doorway.

COUNT I - PREMISES LIABILITY

11. The Plaintiff herein re-alleges and incorporates each paragraph set forth above, and further states as follows.

12. At all relevant times, Defendants owed to Plaintiff the following duties and obligations, among others:

- a. To maintain the premises in a reasonably safe condition;
- b. To exercise due care and caution in the maintenance of its premises;
- c. To inspect for hazards, dangers, and improper conditions on the premises;
- d. To warn, advise, and instruct invitees regarding potentially dangerous conditions on the premises;
- e. To repair all defective and dangerous conditions on the premises;
- f. To clear the premises of unsafe and hazardous conditions;
- g. To prevent the creation of unsafe or hazardous conditions on the premises;
- h. To provide proper, safe, and adequate access and egress for the public;
- i. To provide proper, safe and adequate lighting on its premises;
- j. To comply with the Michigan Building Code and any and all other applicable building codes;

- k. To know of any and all dangerous conditions on the premises and warn and protect the public from the dangerous conditions;
- l. To otherwise take precautions to avoid unavoidable, unreasonably dangerous conditions; and
- m. To otherwise take precautions to avoid conditions which give rise to an unreasonably high risk of severe harm.

13. Defendants negligently breached all the aforementioned duties and obligations, among others.


14. The location and condition of the premises where the Plaintiff fell was defective due to the characteristics, location, design, construction, placement and surrounding conditions of the location, design, construction, placement and surrounding conditions of the pathway, and the existence of an unknown liquid by the Defendants, and the lack of adequate lighting, markings or other safety indicia on the pathway.

15. As a direct and proximate result of Defendants' negligence, Plaintiff fell onto the Defendant's floor, suffering severe, lifelong injuries, including:

- a. Severe Right ankle sprain requiring a cast for several weeks;
- b. Body contusions;
- c. reduced mobility and independence;
- d. reduced autonomy, not being able to completely use the right leg and ankle limits the Plaintiff's ability to do her own household chores like vacuuming, dish washing, and clothes washing;

- e. Recurring pain in the right ankle from the injuries due to the fall;
- f. Embarrassment and mental trauma/anguish;
- g. loss of life's enjoyments; and
- h. various other economic and noneconomic losses not yet known.

WHEREFORE, Plaintiff requests that this Court award damages to compensate her fairly and reasonably for her injuries and damages in an amount exceeding twenty-five thousand dollars (\$25,000) plus interest, costs and attorney fees.

By /s/ 
Estella Mays
In Pro Per
c/o 5808 Sally Ct.
Flint, MI 48505

Dated: August 10th, 2021

STATE OF MICHIGAN
IN THE 7th JUDICIAL CIRCUIT FOR THE COUNTY OF GENESEE

Estella Mays

Plaintiff,

No. 21- -NO
Hon.

vs

Wal-Mart Stores, Inc.


Defendant.
_____ /

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DEMAND FOR JURY TRIAL

NOW COMES the Plaintiffs, by her own accord, and hereby makes formal
demand for a trial by jury of the facts and issues involved in this cause of action.

By /s/ 
Estella Mays
In Pro Per
c/o 5808 Sally Ct.
Flint, MI 48505

Dated: August 10, 2021